

House File 414 - Introduced

HOUSE FILE 414
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 114)

A BILL FOR

- 1 An Act requiring disclosures by private providers of veterans
- 2 benefits services and including penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35A.5, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 18. In coordination with the county
4 commissions of veteran affairs, develop a written disclosure
5 statement for use by private providers of veterans benefits
6 services under section 546B.3. At a minimum, the written
7 disclosure statement shall include a signature line, contact
8 information for the department, and a statement that veterans
9 benefits services are offered at no cost by federally chartered
10 veteran service organizations and by county commission of
11 veteran affairs offices, as maintained pursuant to section
12 35B.6.

13 Sec. 2. Section 546B.1, Code 2015, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 4. "*Veterans benefits services*" means
16 services which a veteran, or a family member of a veteran,
17 might reasonably utilize in order to obtain federal, state, or
18 county veterans benefits.

19 NEW SUBSECTION. 5. "*Written disclosure statement*" means the
20 written disclosure statement developed by the department of
21 veterans affairs pursuant to section 35A.5, subsection 18.

22 Sec. 3. Section 546B.2, Code 2015, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 3. This section does not apply to the owner
25 or personnel of any medium in which an advertisement appears or
26 through which an advertisement is disseminated.

27 Sec. 4. Section 546B.3, Code 2015, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **546B.3 Veterans benefits services disclosure requirements —**
30 **civil penalties.**

31 1. A person who provides veterans benefits services in
32 exchange for compensation shall provide a written disclosure
33 statement to each client or prospective client. Before a
34 person enters into such an agreement to provide veterans
35 benefits services or accepts money or any other thing of

1 value for the provision of veterans benefits services, the
2 person must obtain the signature of the client on a written
3 disclosure statement containing an attestation by the client
4 that the client has read and understands the written disclosure
5 statement.

6 2. A person who violates the provisions of this section
7 is subject to a civil penalty not to exceed one thousand
8 dollars for each violation. Civil penalties shall be assessed
9 by the district court in an action initiated by the attorney
10 general. For the purposes of computing the amount of each
11 civil penalty, each service provided by the person constitutes
12 a separate violation. Additionally, the attorney general may
13 accept a civil penalty as determined by the attorney general in
14 settlement of an investigation of a violation of this section
15 regardless of whether an action has been filed pursuant to this
16 section. Any civil penalty recovered shall be deposited in the
17 veterans trust fund created in section 35A.13.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill requires disclosures by private providers of
22 veterans benefits services.

23 The bill requires a person who provides veterans benefits
24 services to provide a written disclosure statement to each
25 client or prospective client. The bill requires such a person
26 to obtain the signature of the client on a written disclosure
27 statement before entering into an agreement to provide veterans
28 benefits services or accepting money or any other thing of
29 value for the provision of those services. The bill provides
30 that a person who violates these requirements is subject to a
31 civil penalty not to exceed \$1,000 for each violation. The
32 bill further provides that any civil penalty recovered shall be
33 deposited in the veterans trust fund created in Code section
34 35A.13.

35 The bill requires the department of veterans affairs,

1 in coordination with the county commissions of veteran
2 affairs, to develop a written disclosure statement for use
3 by private providers of veterans benefits services. The
4 written disclosure statement is required to include a signature
5 line, contact information for the department, and a statement
6 that veterans benefits services are offered at no cost by
7 federally chartered veteran service organizations and by county
8 commission of veteran affairs offices.